



11 FEB 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARNES, DICKEY, & PIERCE, P.L.C
7700 BONHOMME, STE 400
ST. LOUIS MO 63105

In re Application of :
SCHELLER et al. :
Application No.: 10/585,609 : DECISION ON
PCT No.: PCT/EP2004/014656 :
Int. Filing Date: 23 December 2004 : PETITION UNDER
Priority Date: 24 December 2003 :
Attorney Docket No.: 6012-000013/US/NP : 37 CFR 1.497(d)
For: USE OF SUBSTITUTED 2-AMINOTETRALINS :
FOR PREVENTIVE TREATMENT OF :
PARKINSON'S DISEASE :

This decision is in response to applicant's renewed petition under 37 CFR 1.497(d) filed in the United States Patent and Trademark Office (USPTO) on 24 January 2008.

BACKGROUND

On 23 December 2004, applicant filed international application PCT/EP2004/014656 which designated the U.S. and claimed a priority date of 24 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 14 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 June 2006.

On 10 July 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

On 05 September 2006, a decision was mailed granting applicant's petition to revive under 37 CFR 1.137(b).

On 11 October 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage were required.

On 12 March 2007, applicant filed a submission which was properly treated as a petition under 37 CFR 1.497(d). The petition was accompanied by a statement by Frank Dressen, a declaration, and the surcharge under 37 CFR 1.492(h).

On 08 August 2007, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.497(d) because it was not clear whether an assignment had been made, and if an assignment had been made, consent of the assignee and a showing under 37 CFR 3.73(b) were required.

On 24 January 2008, applicant filed the instant renewed petition under 37 CFR 1.497(d) which was accompanied by a petition/fee for a four-month extension of time, a consent of assignee statement, and a showing under 37 CFR 3.73(b).

DISCUSSION

37 CFR 1.497(d), provides:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92^{bis} subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in Sec. 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision mailed 08 August 2007, items (1) and (2) have been satisfied and item (3) was not required.

Item (3) has now been satisfied.

The declaration of the inventor filed 12 March 2007 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Dieter Scheller as inventor.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459